

REMARKS

Summary

Claims 1-8 are pending.

IDS

The Examiner requested that Applicants indicate whether any IDS's were submitted without an initialed copy being returned by the Examiner. Applicants submitted one IDS with the filing of the application. A copy of the sole IDS submitted has been initialed.

Objection to Specification

In the Office Action, the Examiner objected to the title of the application. Applicants have amended the title as indicated by the Examiner and respectfully request that the Examiner withdraw the objection.

In addition, the Examiner objected to the specification under 37 CFR 1.71 and 37 CFR 1.75(d)(1) as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner indicated that, "the reference to 'an insulating layer' in claims 3-5 is incomplete because the specification identifies numerous and different insulating layers creating confusion as to which insulating layer is being referenced by the claims."

Applicants traverse the objection.

Claim 3 recites, inter alia, that the insulating layer extends on at least two side portions in a width direction of the free magnetic layer in a back region along a height direction. Claim 3 thus describes properties and position of the insulating layer. Claims 4-5 further describe, inter alia, the insulating layer. One non-exclusive example of the insulating layer in these claims is given on page 22, lines 1-7, and Figs. 1-5, in which the backfill gap layer 35 is also identified as "an insulating layer." Thus, at least this example is clearly described and provides antecedent basis for Claim 3. Accordingly, Applicants respectfully traverse the objection under 37 CFR 1.75(d)(1).

In addition, as noted by the Examiner, the specification describes multiple insulating layers. However, an objection under 37 CFR 1.71 is not warranted merely because different insulating layers may be present in different examples, such as those used in a CIP device or those used in a CPP device, when at least one specific example is read on by the claims. The specification clearly identifies “an insulating layer” in both the text and figures such that the invention can be made and used by a person skilled in the art to which the invention pertains. Accordingly, Applicants respectfully traverse the objection under 37 CFR 1.71.

Claim Rejections

Claims 1, 2, and 6-8 were allowed.

Claims 3-5 were rejected under 35 USC 112, first paragraph as directed to subject matter which was not described in the specification in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most clearly connected, to make and use the invention.

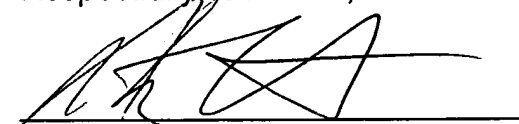
In making this rejection, the Examiner indicated the reasons were the same as those of the objections to the specification provided above. Accordingly, Applicants traverse the rejection for similar reasons to those provided above.

As no reference has been applied to reject Claims 3-5, Applicants submit that Claims 3-5 are patentable over the cited references.

Conclusion

In view of the above amendment and remarks, Applicants respectfully submit that this application is in condition for allowance. If for any reason, however, the Examiner feels that a telephone interview would be helpful in resolving any remaining issues the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'AP Curtis', is written over a horizontal line.

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